

Please find below and/or attached an Office communication concerning this application or proceeding.

DATE MAILED: 09/30/2003

1765

ART UNIT	PAPER NUMBER
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VINH, LAN

EXAMINER
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WILLIAMS, MORGAN & AMERSON, P.C.  
10333 RICHMOND, SUITE 1100  
HOUSTON, TX 77042

23720 7590 09/30/2003

APPLICATION NO.	09/911,264	FILING DATE	07/23/2001	FIRST NAMED INVENTOR	Richard J. Markle	ATTORNEY DOCKET NO.	2000.082800	CONFIRMATION NO.	4105
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United States Patent and Trademark Office  
Address: P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



UNITED STATES PATENT AND TRADEMARK OFFICE

# Office Action Summary

Applicant No.

09/91,264

MARKLE ET AL

Art Unit

1765

Examiner

Lan Vinh

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 135).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 7/23/2001.

☐ This action is FINAL.

☒ This action is non-final.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-106 is/are pending in the application.

☐ 4a) Of the above claim(s) is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☐ Claim(s) is/are rejected.

☐ Claim(s) is/are objected to.

☒ Claim(s) 1-106 are subject to restriction and/or election requirement.

Application Papers

☐ The specification is objected to by the Examiner.

☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

☐ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)

☐ Information Disclosure Statement(s) (PTO-1449) Paper Note(s) \_\_\_\_\_

☐ Other: \_\_\_\_\_

☐ Interview Summary (PTO-413) Paper Note(s) \_\_\_\_\_

☐ Notice of Informal Patent Application (PTO-152)

Office Action Summary

Part of Paper No. 0903

U.S. Patent and Trademark Office  
PTOL-326 (Rev. 04-01)

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-68, drawn to method of controlling at least one parameter of a deposition/etching process, classified in class 438, subclass 706.
  - II. Claims 69-106, drawn to a system/apparatus, classified in class 156, subclass 345.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the system/apparatus as claimed can be used to practice of CMP for semiconductor wafer during chemical/mechanical process.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. A telephone call was made to J. Mike Amerson on 9/25/2003 to request an oral

election to the above restriction requirement, but did not result in an election being

made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed

(37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lan Vinh whose telephone number is 703 305-6302.

The examiner can normally be reached on M-F 8:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nadine Norton can be reached on 703 305-2667. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

LV  


September 29, 2003